

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION**

**ORDER 99-068
UPDATED WASTE DISCHARGE REQUIREMENTS AND
RESCISSION OF ORDER NO. 84-089 FOR:**

City of Albany
Albany Landfill
Albany, Alameda County

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter called the Board), finds that:

SITE OWNER AND LOCATION

1. The City of Albany (hereinafter called the discharger) owns the Albany Landfill. The landfill site is located at the end of a peninsula on the east shore of San Francisco Bay in the City of Albany, California, as shown in Figures 1 and 2.

PURPOSE OF ORDER UPDATE

2. The objectives of this order are to bring the site into compliance with Title 27 of the California Code of Regulations (CCR) and Part 268 (Subtitle D), Title 40 of the Code of Federal Regulations (CFR). This order also establishes requirements for submission of a revised closure plan in the event of future development at the site and focuses monitoring efforts on periodic visual inspections of the facility.

SITE DESCRIPTION AND HISTORY

3. The Albany Landfill is a closed, unlined Class III landfill as shown in Figures 1 and 2. The landfill, located in what is called the "bulb" of the site, occupies 40.8 acres. Filling of the landfill started in 1963, and ceased in December 1983. The landfill is unlined, and refuse cells were constructed by forming dikes composed of broken concrete rubble, soil and steel mill slag. The cells were subsequently filled with waste. The landfill remains inactive and undeveloped, and has sparse soil and vegetation covering much, but not all of the underlying wastes.
4. The Board adopted Order No. 84-89 on December 18, 1984. The current Order rescinds Order No. 84-89.

WASTES AND THEIR CLASSIFICATION

5. The Albany Landfill received mainly inert construction and demolition wastes such as large pieces of broken concrete and bricks. Prior to 1975, some non-hazardous solid waste was accepted, reportedly consisting mostly of wood and vegetable solid wastes from landscape maintenance and street sweepings. A total of approximately 2,000,000 cubic yards of waste have been placed in the landfill, with an average depth of 40 feet.

SURFACE WATER AND GROUNDWATER

6. Groundwater - The site is underlain by 55 to 66 feet of low permeability mud, and there is an upward gradient between the groundwater and the Bay. Therefore there is a low probability that the leachate from the landfill would impact the underlying groundwater.
7. Leachate Quality - Some metals have been detected in the leachate at levels exceeding EPA or Basin Plan objectives. The leachate also showed elevated levels of unionized ammonia. Bioassays using five species were conducted on the leachate, showing it to be acutely toxic. The primary cause of the leachate toxicity was from the elevated unionized ammonia, as evidenced by the fact that removal of the ammonia by air stripping greatly reduced the leachate toxicity.
8. Surface water - In February and March 1999, the City took 25 samples of Bay water adjacent to the landfill at low tide, and analyzed them for unionized ammonia. They also took five samples of the one identified seep, and the two lagoons (unfilled waste cells that are not fully tidally influenced). Most samples had no detectable ammonia. The four samples that were above detection showed very low concentrations of ammonia. The seep and the lagoons were also tested for acute toxicity. Survival ranged from 84-100%, indicating non-toxic conditions in the Bay adjacent to the landfill.
9. The above data was reviewed to determine the possibility of surface water impacts from the lateral flow through the perimeter of the landfill. While the leachate has shown acute toxicity and contains detectable metals, the Bay water adjacent to the landfill has not shown acute toxicity or the presence of the toxicants responsible for the leachate toxicity. Metals have been detected in the adjacent waters at levels commonly found in Bay waters, and the evidence suggests that the landfill is not the source of these metals. Therefore there is not a water quality threat from the Albany Landfill in its current state.
10. Order No. 84-89 prescribed closure requirements for the Albany Landfill that included capping and construction of a marina, park and commercial development on the

landfill site. The City has changed the plan for the landfill to preserve it as a wildlife refuge or a recreational area. While areas adjacent to the landfill have now been included in the Eastshore State Park system, and it is the City's goal to include its landfill in the State Park, a transfer of property has not occurred as of this date. Given the lack of a water quality threat to the surrounding Bay and lagoons, regrading and capping the landfill do not appear warranted and maintenance of the site as a wildlife or recreational area is acceptable.

11. The City also submitted a plan to improve the habitat value of the two lagoons adjacent to the landfill, the East and West Lagoons, which are diked off portions of the Bay. The East Lagoon is partially filled, and its surrounding dike was partially breached. The West Lagoon was never filled, and is completely surrounded by a dike. The City proposed to fully breach the dikes on both lagoons, restoring full tidal flow and improving the habitat value of the water in the lagoons. The City stated that such improved habitat value would offset any water quality risk posed by leaving the landfill as it currently is.
12. Basin Plan - The Regional Board adopted a revised Water Quality Plan for the San Francisco Bay Basin (the Basin Plan) on June 21, 1995. This updated and consolidated plan represents the Board's master water quality control planning document. The revised Basin Plan was approved by the State Water Resources Control Board and the Office of the Administrative Law on July 20 and November 13, respectively, of 1995. The Basin Plan defines beneficial uses and water quality objectives for waters of the State, which include both surface waters and groundwaters.
13. Beneficial Uses - Given the presence of the Bay mud underlying the Landfill; there is primarily a threat to surface water quality in San Francisco Bay. The beneficial uses of the waters of San Francisco Bay include:
 - a. Wildlife habitat;
 - b. Navigation;
 - c. Water contact recreation;
 - d. Non-contact water recreation;
 - e. Commercial and sport fishing;
 - f. Preservation of rare and endangered species;
 - g. Estaurine habitat;
 - h. Fish migration;
 - i. Fish habitat;
 - j. Industrial service supply; and
 - k. Shellfish harvesting.

MONITORING PROGRAMS

14. Historic monitoring at the landfill indicates the landfill is not affecting water quality in the adjacent Bay waters or lagoons. This is to be expected because of the inert nature of the waste reportedly disposed at the site. No future leachate or surface water monitoring is proposed, given the lack of water quality impacts to the Bay and the nature of wastes in the landfill.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

15. This action is exempted from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Title 14 of the California Code of Regulations.
16. The Board has notified the discharger and interested agencies and persons of its intent to issue waste discharge requirements for the discharger and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
17. The Board, in a public meeting heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the City of Albany, its agents, successors and assigns shall meet the applicable provisions contained in Title 27, Division 2 of the California Code of Regulations and Division 7 of the California Water Code and shall comply with the following:

A. PROHIBITIONS

1. Waste **shall not** be in contact with ponded water from any source whatsoever.
2. Further waste **shall not** be deposited or stored at this site.
3. Leachate from waste and ponded water containing leachate or in contact with solid wastes **shall not** be discharged to waters of the State or of the United States.
4. The disposal of wastes **shall not** create pollution, contamination or nuisance, as defined by Section 13050 of the California Water Code (CWC).
5. The discharger, or any future owner or operator of the site, **shall not** cause the following conditions to exist in waters of the State at any place outside the waste management facility:

- a. Surface Waters
 - 1. Floating, suspended, or deposited macroscopic particulate matter or foam.
 - 2. Bottom deposits or aquatic growths.
 - 3. Alteration of temperature, turbidity, or apparent color beyond natural background levels.
 - 4. Visible, floating, suspended or deposited oil or other products of petroleum origin.
 - 5. Toxic or other deleterious substances to be present in concentrations or quantities which may cause deleterious effects on aquatic biota, wildlife or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentrations.
- b. Groundwater
 - 1. Groundwater shall not be impacted as a result of solid waste degradation.

B. PROVISIONS

- 1. The discharger shall comply with all Prohibitions, Specifications and Provisions of this Order. All required submittals must be acceptable to the Executive Officer.
- 2. All technical and monitoring reports submitted pursuant to this Order are being requested pursuant to Section 13267 of the California Water Code. Failure to submit reports in accordance with schedules established by this Order, attachments to this Order, or failure to submit a report of sufficient technical quality to be acceptable to the Executive Officer may subject the discharger to enforcement action pursuant to Section 13268 of the California Water Code.
- 3. The discharger must comply with all conditions of these waste discharge requirements. Violations may result in enforcement actions, including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability or in modification or revocation of these waste discharge requirements by the Regional Board. [CWC Section 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350).
- 4. The discharger shall submit an annual monitoring report by April 30 of each year. The report is to provide a summary of quarterly visual observations along the periphery of the landfill, and notify the Board as to any flooding,

slope failures, exposed refuse, or any other change in site conditions which could impair the integrity of the waste containment, causing the potential for water quality impairment, along with a description of proposed remedial measures and a timetable for their completion.

5. If significant regrading or development is proposed for the landfill, the discharger shall submit a revised closure/post closure plan for the landfill, and schedule of implementation acceptable to the Executive Officer. The plan shall indicate how the facility modifications will minimize the infiltration of water into the waste, thereby minimizing the production of leachate. The plan shall identify sufficient post-closure maintenance measures to assure that the landfill does not pose a potential threat to water quality.

PLAN DUE DATE: Six months prior to the proposed regrading or development

6. The discharger shall maintain a copy of these waste discharge requirements and these requirements shall be available to operating personnel at the facility at all times. (CWC Section 13263).
7. This Board considers the property owner and site operator to have continuing responsibility for correcting any problems, which arise in the future as a result of the waste discharged or related operations.
8. The discharger shall permit the Regional Board or its authorized representative, upon presentation of credentials:
 - a. Immediate entry upon the premises on which wastes are located or in which any required records are kept.
 - b. Access to copy any records required to be kept under the terms and conditions of this order.
 - c. Inspection of any treatment equipment, monitoring equipment, or monitoring methods required by this order or by any other California State Agency.
 - d. Sampling of any discharge or groundwater governed by this Order.
9. In the event of any change in control or ownership of land or waste discharge facilities presently owned or controlled by the discharger, the discharger shall notify the succeeding owner or operator of the existence of this Order by letter, a copy of which shall be immediately forwarded to this office. The discharger must notify the Executive Officer, in writing at least 30 days in advance of any proposed transfer of this Order's responsibility

and coverage to a new discharger. The notice must include a written agreement between the existing and new discharger containing a specific date for the transfer of this order's responsibility and coverage between the current discharger and the new discharger. This agreement shall include an acknowledgment that the existing discharger is liable for violations up to the transfer date and that the new discharger is liable from the transfer date on (CWC Sections 13267 and 13263). The request must contain the requesting entity's full legal name, the address and telephone number of the persons responsible for contact with the Board and statement. Failure to submit the request shall be considered a discharge without requirements, a violation of the California Water Code.

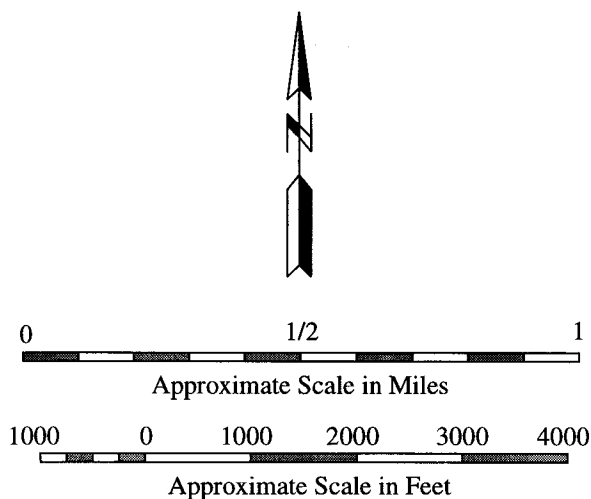
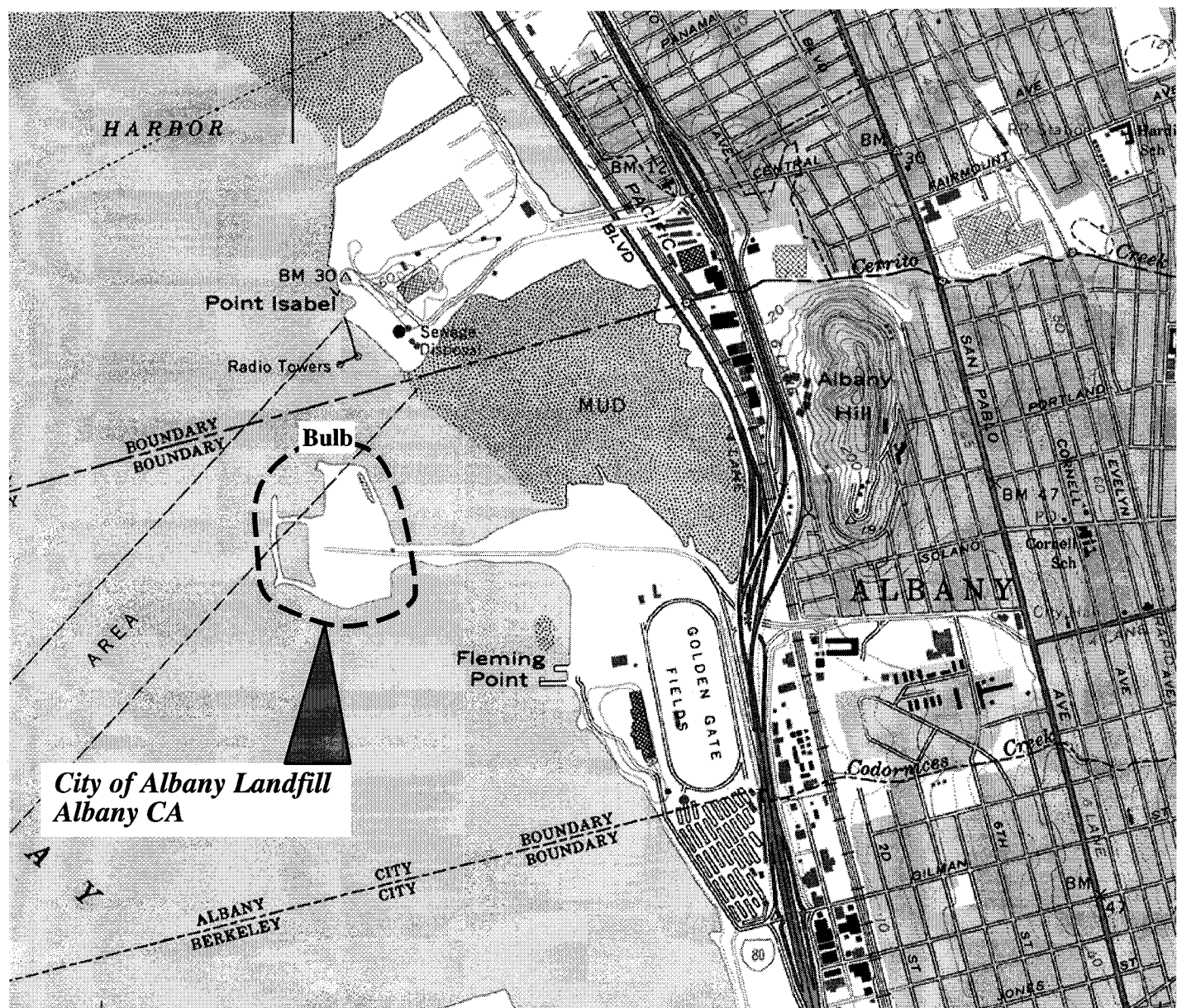
10. This Order is subject to Board review and updating, as necessary, to comply with changing State and Federal laws, regulations, policies, or guidelines; changes in the Board's Basin Plan; or changes in the discharge characteristics (CWC Section 13263).
11. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from his liability under Federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge [CWC Section 13263(g)].
12. Provisions of these waste discharge requirements are severable. If any provision of these requirements is found to be invalid, the remainder of these requirements shall not be affected.
13. This Board's Order No. 84-89 is hereby rescinded.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on September 15, 1999.


Loretta K. Barsamian
Executive Officer

CITY OF ALBANY LANDFILL
WASTE DISCHARGE REQUIREMENTS
9/15/99

Figures: Figure 1 - Site Location Map
 Figure 2 - Facility Map



Basemap: U.S. Geological Survey, 7.5 Minute Quadrangle, Richmond CA, 1959 (Photorevised 1980).

Figure 1
Location Map
Albany Landfill
Albany CA

